

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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KBM WORLDWIDE, INC.,

Plaintiff,

-against-

HANGOVER JOE'S HOLDING CORP. AND
MATTHEW VEAL,

Defendants.
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APPEARANCES:

Naidich Wurman LLP

Counsel for Plaintiff

111 Great Neck Road, Suite 214
Great Neck, NY 11021

By: Richard S. Naidich, Esq.

Matthew Veal

Pro Se Defendant

3094 Williamsburg Street
Sarasota, FL 34231

NO APPEARANCES:

Hangover Joe's Holding Corp.

SPATT, District Judge.

On December 21, 2015, the Plaintiff, KBM Worldwide, Inc. (the "Plaintiff"), commenced this action against the Defendants, Hangover Joe's Holding Corporation ("Hangover Joe's") and Matthew Veal (together the "Defendants") to recover debt owed on a convertible promissory note.

On May 2, 2017, after Hangover Joe's failed to file an answer to the complaint or otherwise appear in this action, the Clerk of the Court noted their default.

**FILED
CLERK**

1:07 pm, Sep 14, 2018

**U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE**

ADOPTION ORDER

15-cv-7254 (ADS) (GRB)

On May 3, 2017, the Plaintiff filed a motion for a default judgment. To date, Hangover Joe's has not responded to the motion, or otherwise participated in this action.

On January 8, 2018, this case was reassigned to this Court from Judge Sandra J. Feuerstein by order of Chief Judge Dora L. Irizarry.

On January 18, 2018, the Court referred this matter to United States Magistrate Judge Gary R. Brown for a recommendation as to whether the motion for a default judgment should be granted, and if so, what relief should be awarded.

On August 29, 2018, Judge Brown issued a Report & Recommendation ("R&R") recommending that the motion for default judgment be granted but that calculation of damages be deferred pending the disposition of the Plaintiff's claims against Matthew Veal.

More than fourteen (14) days have elapsed since service of the R&R on the Defendants, who have failed to file an objection.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the R&R for clear error, and finding none, now concurs in both its reasoning and its result.

Accordingly, the R&R is adopted in its entirety, and the Plaintiff's motion for a default judgment is granted.

SO ORDERED.

Dated: Central Islip, New York
September 14, 2018

/s/ Arthur D. Spatt
ARTHUR D. SPATT
United States District Judge